

§ 340-77. Landscaping and fencing.

The tower and the adjacent equipment building(s) shall be security fenced with at least six-foot-high chain link fencing. Landscaping at the perimeter of the fencing which abuts or is visible from streets, residences, public parks or areas with access to the general public other than the owner of the adjoining property shall be required at a minimum as follows:

- A. For towers 150 feet in height or less, a buffer no less than 25 feet wide shall be commenced at the security fence line. At least one row of evergreen shrubs shall be spaced not more than **five** feet apart. Shrubs should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs not less than four feet high at the time of planting and spaced not more than 15 feet apart shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that would not exceed 20 feet in height or would not affect the stability of the guy wires should they be uprooted.
- B. For towers more than 150 feet in height a buffer area of not less than 40 feet wide shall be provided at the security fence line. At least one row of evergreen shrubs shall be spaced not more than five feet apart which will grow into a continuous hedge at least five feet in height within two years of planting. In addition, there shall be one row of deciduous trees not less than 1 1/2 inches in caliper measured three feet from the ground at the time of planting. The deciduous trees are to be spaced not more than 20 feet apart, and at least one row of evergreen trees not less than four feet in height at the time of planting spaced not more than 15 feet apart shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that does not exceed 20 feet in mature height or does not affect the stability of the guy wires should they be uprooted.
- C. The Plan Commission may allow use of an alternate plan or require a more restrictive plan providing for landscaping and screening, including plantings, fences, walls and other features. The plan shall accomplish the same degree of screening for the tower(s) and accessory uses achieved in Subsections A and B above, except when lesser requirements are desirable for security purposes and for continued operations of existing agricultural or forest uses, including produce farms, nurseries, and tree farms.
- D. Native vegetation on the site shall be preserved to the greatest practical extent. The site **plan shall show any existing native vegetation and shall show the type and location of native vegetation to be replanted.**

§ 340-78. Parking and driveways.

- A. **A minimum of** two parking spaces per carrier shall be provided on each site. On sites with personnel routinely in attendance, the Plan Commission may require additional parking spaces.
- B. Drives shall be hard surfaced and be of the minimum called for in the zoning district in which the facility is located.

§ 340-79. Tower appearance and illumination.

- A. For towers not regulated by the Wisconsin Department of Transportation or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower. Color shall be subject to the approval of the Plan Commission.¹⁸
- B. Towers shall not be illuminated except as required by the Wisconsin Department of Transportation or the Federal Aviation Administration.¹⁹
- C. Illuminated towers shall use red and flashing red illumination at night. No flashing white strobe lights will be permitted for night illumination.

§ 340-80. Commencement of operation.

The facility may not be placed into operation until the Building Inspector issues a certificate of compliance.

§ 340-81. Tower removal.

The tower owner must remove the tower and accessory structure in the event that no wireless communications provider has utilized the structure for transmission purposes for 180 consecutive days, or for a total of 180 days in any three-hundred-sixty-five-day period. Such removal must take place within 60 days thereafter. The applicant, owner, lessee and/or landowner shall be required to pay the cost of demolition or removal.

§ 340-82. Collocation of facilities.

To discourage the proliferation of communications towers, shared use of tower structures is both permitted and encouraged. Placement of more than one tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. New tower applications shall not be approved unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower can accommodate the applicant's antenna or transmitter. The application shall include documentation regarding the availability of any existing or approved but as yet not erected communication towers within the transmission area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

- A. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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- C. Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- D. The planned equipment would cause interference with the applicant's proposed antenna and the interference with the applicant's proposed antenna cannot be prevented at a reasonable cost.
- E. The fees, costs, or contractual provisions required by the owner to share the existing tower or the structure are cost prohibitive.

§ 340-83. Application and approval process.

- A. Applications for a tower constituting a principal use shall follow the standard procedures as for any conditional use.
- B. Applications for antennas to be mounted to existing towers or existing structures or buildings as well as the structure required to house the electronic equipment shall be subject to an administrative approval, which does not require a public hearing.
- C. Applications for additional towers as defined in § 340-74B above shall be subject to administrative approval and do not require a public hearing.
- D. The applicant must be the owner, lessee, purchase option holder, or holder of a contract to purchase the property on which the facility is to be located.
- E. The applicant must provide the Town of Port Washington an indemnity agreement in a form acceptable to the Town Attorney
- F. Owners of all properties within 1,500 feet of the property borders of the proposed tower site shall be notified in writing prior to the public hearing.
- G. Procedures require that § 91.75(5), Wis. Stats., be followed when the tower is to be located in the A-1 Zoning District.
- H. Applications for new or modified towers shall include a certification by a Wisconsin registered structural engineer that the new or modified tower meets or exceeds the structural standards for towers set forth by the Electronic Industries Association or the Telecommunication Industry Association.

§ 340-84. Maintenance.

The tower owner and the owners of any accessory structures associated with the tower shall be responsible for maintaining the tower, accessory structures, fencing, road and landscaping in good repair and free from any unsightly rubbish. In addition, the tower owner shall submit to the Town a certified inspection report signed by a State of Wisconsin registered structural engineer at least once every five years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends repairs or maintenance be required, then a letter signed by a State of Wisconsin registered structural engineer shall be submitted to the Township to verify that such repairs and/or maintenance have been completed. The

Township shall have the authority to require the removal of the tower based on the inspection report if it deems the removal necessary to preserve the general welfare and safety of the Township.

§ 340-85. Worksheets.

Worksheets for both applicants and Plan Commission members will be constructed so that all necessary procedures are followed in the application and approval process.

§ 340-86. Conflicting provisions.

Enactment of this article shall nullify any conflicting language or provisions regarding commercial wireless towers that may appear elsewhere in this chapter.

**ARTICLE VIII
Modifications**

§ 340-87. Height.

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:

- A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- B. Special structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smokestacks, are exempt from the height limitations of this chapter.
- C. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
- D. Communication structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, shall not exceed in height their distance from the nearest lot line.
- E. Agricultural structures, such as barns, silos, and agricultural windmills, shall not exceed in height their distance from the nearest **lot line**.
- F. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided that all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

§ 340-88. Yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows: